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SENATE

{ REPORT
{ No. 1199

GEORGE GARCAVY

MARCH 25 (legislative day, MARCH 5), 1942.—Ordered to be printed

Mr. ELLENDER, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 5069]

The Committee on Claims, to whom was referred the bill (H. R. 5069) for the relief of George Garcavy, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 1722, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

[H. Rept. No. 1722, 77th Cong., 2d sess.]

The Committee on Claims to whom was referred the bill (H. R. 5069) for the relief of George Garcavy, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, line 3, strike out "is" and insert in lieu thereof "be, and he is hereby".

Page 1, line 5, after the figures "\$500" and before the period insert "in full settlement of all claims against the United States".

At the end of the bill add: "*Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The purpose of the proposed legislation is to pay to George Garcavy, of Sitka, Alaska, the sum of \$500 representing reimbursement of bail bond posted by the Fidelity & Deposit Co. of Maryland for the departure from the United States of Mary Garcavy.

STATEMENT OF FACTS

On March 15, 1937, Mary Garcavy, who is 26 years of age, and a native of Manchuria and a citizen of the United Soviet Socialist Republics, arrived in the United States at Portal, N. Dak. Upon posting of bond for \$500 by her brother, she was admitted to the United States as a temporary visitor for a period of 1 year, for the purpose of studying music. The bond was conditioned by her departure from the United States on or before March 15, 1938. Miss Garcavy

failed to leave on March 15, 1938, and on September 1, 1938, the bond was forfeited, the amount thereof covered into the United States Treasury; on November 5, 1939, Miss Garcavy married Delos Alan Towle, Jr., and on December 3, 1939, a petition for the issuance to her of a nonquota immigration visa was executed by her husband. The petition was approved, and thereafter, Mrs. Towle went to Canada and reentered the United States for permanent residence. She is now a legally resident alien of the United States.

The Attorney General of the United States, in a report dated October 15, 1941, makes no recommendation in the enactment of the legislation, leaving the enactment up to the discretion of the Congress.

Your committee, after considering the facts, are of the opinion that, due to the fact that Mrs. Towle is now a legally resident alien of the United States, also for the reason that the Federal Government expended no money in trying to apprehend her, that the legislation is fair and equitable, and recommend the enactment thereof.

Appended hereto is the report of the Attorney General, together with other pertinent evidence.

DEPARTMENT OF JUSTICE,
Washington, D. C., October 15, 1941.

HON. DAN R. MCGEEHEE,
*Chairman, Committee on Claims,
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department relative to a bill (H. R. 5069) to reimburse George Garcavy for the loss of the sum of \$500 which had been deposited by him as collateral with the Fidelity & Deposit Co. of Maryland to secure a bond given by it as surety and conditioned on the departure from the United States of the claimant's sister, Mary Garcavy, an alien.

It appears from the files of the Immigration and Naturalization Service of this Department that Miss Garcavy, who is 26 years of age and is a native of Manchuria and a citizen of the United Soviet Socialist Republics, arrived in the United States on March 15, 1937, at Portal, N. Dak. Upon filing a bond in the sum of \$500, Miss Garcavy was admitted to the United States as a temporary visitor for a period of 1 year for the purpose of studying music. The bond was conditioned upon her departure from the United States on or before March 15, 1938. Miss Garcavy failed to leave this country within the specified period and efforts to locate her, in order to effect her departure, were unsuccessful. Accordingly, on September 21, 1938, the bond was forfeited and the amount thereof was paid into the Treasury of the United States.

On November 5, 1939, Miss Garcavy was married to Delos Allan Towle, Jr. The first information that the Immigration and Naturalization Service obtained concerning Mrs. Towle's whereabouts was the receipt of a petition for the issuance to her of a nonquota immigration visa, executed by her husband on December 12, 1939. This petition was approved, and thereafter Mrs. Towle went to Canada and reentered the United States for permanent residence. She is now a legally resident alien of the United States.

The purpose of the bill under consideration is to reimburse Mrs. Towle's brother, who is a resident of Sitka, Alaska, for the sum of \$500, which he had lost as the result of the forfeiture of his sister's departure bond.

Whether or not the bill should be enacted involves a question of legislative policy, concerning which I prefer not to make any suggestions.

Sincerely yours,

FRANCIS BIDDLE, *Attorney General.*

BRONXVILLE, N. Y., August 23, 1941.

HON. JAMES M. FITZPATRICK,
Member of Congress, Washington, D. C.

DEAR CONGRESSMAN FITZPATRICK: Following the kindly suggestion made in your letter of August 13, I am submitting this communication in the form of a sworn statement, covering the special facts that surround our efforts to recover the sum of \$500 forfeited under the terms of an alien bond in the matter of Mary Garcavy, now my wife. H. R. 5069 was introduced by you in the matter.

At the outset, may I state that it is impossible to recall or ascertain all the numerous dates and full details of the numerous letters and communications, special and personal calls, etc., that govern the case. Also may I state that at no time have we ever contended insofar as the bare technical aspects of the case are concerned, that the bond was forfeited illegally. All we ask is that the whole case and the full lack of intent or effort to evade and deceive that prevailed be justly considered.

As the time approached for Mrs. Towle to leave the country or extend her legal stay, communications were addressed to the State Department and Immigration Service, explaining the desire to remain and become an American citizen. After literally weeks and months of delay—no answer to letters—or the filling out of preliminary forms (and no reply received for months at a time)—and a definite evidence of lack of knowledge as to her status as a "Russian emigre"—the legal time limit passed.

Routine letters from the State Department to the American consul in Harbin were apparently written—and answered in a routine manner—that she had not returned and her present whereabouts were unknown. Yet all this time her address was repeatedly made known to Washington and several visits from an inspector of the Immigration Service stationed in New York resulted—and kindly assurances were given that there was no need for worry in the matter—that as long as her character was known and that she was married to an American citizen—and that Washington was fully informed in the circumstances—that it would all be happily adjusted, etc.

But the routine procedure continued at Washington, and on the bare record she was classed as being illegally in the country and the bond was forfeited. Through tedious searching of records all this could be established factually, but it is impossible for me to do so without time and expense.

Furthermore, after Washington had been well supplied with all manner of affidavits, proofs of all kinds—again after months of waiting—the whole matter was virtually started from the beginning again, with instructions to start the procedure from the Canadian end by furnishing voluminous proof, etc., to the American consul at Montreal. Again months of delay resulted, but finally Mrs. Towle left for Canada, applied for reentry and insofar as we know is legally in the country and will become a citizen.

May I state that a highly reputable attorney, Mr. J. Harold Merrick, then chief consul for the International Telephone Co., handled much of the procedure; twice, at least, visited Washington and attempted to straighten the matter out.

We seek refund of the money, not to profit personally, but only to see that the needy parents of Mrs. Towle in Manchuria, from whom the money came originally, receive it in such a manner of currency exchange that it will mean the most to them.

I wish to make this point clear, that any request for information made to the State Department will result in the bare and truthful statement that the person covered by the bond overstayed the time limit and the bond was forfeited. Of course this is true, but such a statement in no degree begins to cover the full circumstances and justice of the case. I attempt to do so in this sworn statement.

I will gladly and willingly appear before the Claims Committee of the House and answer personally any questions which may be asked.

Very sincerely yours,

DELOS A. TOWLE, JR.

STATE OF PENNSYLVANIA,

County of Philadelphia, ss:

Delos A. Towle, Jr., being duly sworn according to law doth depose and say that the statements above set forth are true.

Sworn and subscribed before me this 2d day of September A. D. 1941.

[SEAL]

ROBERT J. THOMPSON,
Notary Public.

My commission expires April 28, 1943.



